

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL T. RUPERT and)	Civil Action No. 12-331
JACQUELINE C. RUPERT, his wife,)	
)	Judge Cathy Bissoon
Plaintiffs,)	
)	
v.)	
)	
FORD MOTOR COMPANY,)	
)	
Defendant and Third-Party)	
Plaintiff,)	
)	
v.)	
)	
STEVEN B. MACON AND BRAYMAN)	
CONSTRUCTION CORPORATION,)	
)	
Third-Party Defendants.)	

**MOTION FOR LEAVE TO EXCUSE FORD MOTOR COMPANY’S
REPRESENTATIVE FROM PARTICIPATING IN THE
JULY 9, 2014 STATUS CONFERENCE, OR IN THE ALTERNATIVE, TO ALLOW HIS
PARTICIPATION BY TELEPHONE**

AND NOW, comes the Defendant, Ford Motor Company (“Ford”), by and through its counsel, DICKIE, MCCAMEY & CHILCOTE, P.C., and files this Motion for Leave to Excuse Ford Motor Company’s Representative from Participating in the July 9, 2014 Status Conference, or in the alternative, to Allow his Participation by Telephone, and in support thereof avers as follows:

1. This Honorable Court has scheduled a post-discovery status conference to take place on July 9, 2014 at 10:00 a.m.
2. Ford has settled the case with Plaintiff, Michael T. Rupert (“MTR”).

3. Ford will not be offering any money to Plaintiff, Jacqueline C. Rupert (“JCR”), to settle her claims.
4. Moreover, in addition to her meritless claim of alleged defect, JCR’s loss of consortium claim against Ford is also without legal merit due to her appalling behavior towards MTR and her abandonment of the marriage post-accident. *See, Damiano v. Andre*, 29 Pa. D. & C.3d 531 at 3 (1981)(*affirmed without opinion* at 307 Pa. Super. 615, 452 A.2d 1094 (1982)), *citing Griffin v. United States*, 500 F.2d 1059, 1071 (1974)(an award for loss of consortium is founded on the assumption that the husband and wife continue to reside together); and, *Loughrey v. Pa. R. Co.*, 284 Pa. 267, 131 A. 260, 262 (1925)(where one spouse abandons the other, that spouse forfeits all rights to damages based on the other’s injuries).
5. In addition, MTR has set aside 3 1/3 % of the funds from his settlement with Ford in an IOLTA account for JCR’s portion of the Ford settlement. See true and correct copy of Petition to Preserve Status Quo Pursuant to Pa. R.A.P. 1701(b)(1) and April 16, 2014 Order of Court attached hereto collectively as **Exhibit A**.
6. Ford has maintained a consistent position throughout this litigation that it will not make an offer to settle JCR’s claims against Ford.
7. The representative of Ford with settlement authority is located in Dearborn, Michigan.
8. In light of the above and in the spirit of judicial economy, Ford respectfully requests that its representative be excused from participating in the July 9 conference or, in the alternative, be allowed to participate in the July 9 status conference by telephone.
9. Plaintiff’s attorneys consent to Ford’s not attending the conference.

JURY TRIAL DEMANDED.

Respectfully submitted:

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Annabelle L. Carone

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)	
STEVEN B. MACON AND BRAYMAN)	
CONSTRUCTION CORPORATION,)	
)	
Third-Party Defendants.)	

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2014, it is hereby
ORDERED, ADJUDGED and DECREED, that Ford Motor Company's Motion for Leave to
Excuse Ford Motor Company's Representative from Participating in the July 9, 2014 Status
Conference, or in the alternative, to Allow his Participation by Telephone, is GRANTED, and
Ford Motor Company's representative is excused from participating in the July 9 conference. In
the alternative, Ford Motor Company's representative is allowed to participate in the July 9
status conference by telephone and is not required to appear in person.

BY THE COURT:

_____. J.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2014, a true and correct copy of the foregoing Motion for Leave to Excuse Ford Motor Company's Representative from Participating in the July 9, 2014 Status Conference, or in the alternative, to Allow his Participation by Telephone, was served by electronic service through the U.S. District Court for the Western District of Pennsylvania ECF, as follows:

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DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Annabelle L. Carone
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Nancy R. Winschel, Esquire

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